

★ Roll Call Number

19-1919

Agenda Item Number

22

Date December 2, 2019

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR ISSUANCE OF A
REPLACEMENT QUIT CLAIM DEED CONVEYING A PORTION OF
VACATED BRYANT STREET RIGHT-OF-WAY TO BENNY GENOVESE
AND DIANE MARIE RENZO**

WHEREAS, on May 2, 1949, by Roll Call No. 608, the City Council of the City of Des Moines, Iowa voted to approve the vacation of Bryant Street right-of-way extending from the East right-of-way line of Courtland Drive to the West right-of-way line of Southwest First Street (excepting therefrom a strip of ground ten (10) feet in width, being five (5) feet on either side of the center line of Bryant Street and extending the full length of said street); and

WHEREAS, the property was vacated pursuant to Ordinance No. 5102, which was passed on March 28, 1949, and

WHEREAS, in 1949, Cecelia Hornbostel, owner of 1967 Courtland Drive, offered to the City of Des Moines ("City") the purchase price of \$18.00 for the purchase of the vacated Bryant Street right-of-way adjoining 1967 Courtland Drive (hereinafter "Property"), which price reflected the fair market value of the City Property at the time; and

WHEREAS, in 1949, the City of Des Moines issued a quit claim deed conveying the Property to Mrs. Hornbostel, but no record exists of said deed being filed of record with the Polk County Recorder; and

WHEREAS, Benny Genovese and Diane Marie Renzo, current owners of 1967 Courtland Drive, have asked the City of Des Moines to issue a Replacement Quit Claim Deed conveying the Property to them in order to clear title to their property; and

WHEREAS, there is no known current or future public need or benefit for the City Property proposed to be conveyed, and the City will not be inconvenienced by issuing a Replacement Quit Claim Deed conveying the Property to Benny Genovese and Diane Marie Renzo.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council of the City of Des Moines, Iowa, proposes to issue a Replacement Quit Claim Deed for the vacated Bryant Street right-of-way adjoining 1967 Courtland Drive, as legally described below, to Benny Genovese and Diane Marie Renzo, subject to a reservation of easements therein for the continued use and maintenance of any utilities now in place, including those for the benefit and use of the City of Des Moines, with the right of entry for servicing same:

THE SOUTH FIFTEEN (15) FEET OF BRYANT STREET (PARALLEL TO THE CENTER LINE)
ABUTTING LOT ONE (1), RUSTON HEIGHTS, AN OFFICIAL PLAT NOW INCLUDED IN AND

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FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND EXTENDING FROM THE EAST RIGHT-OF-WAY LINE OF COURTLAND DRIVE TO A POINT ONE HUNDRED TWENTY-THREE (123) FEET EASTERLY, (MEASURED ALONG THE SOUTH LINE OF BRYANT STREET);

VACATED BY ORDINANCE NO. 5102, PASSED MARCH 28, 1949.

- 2. A public hearing shall be held on December 16, 2019, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. There are no proceeds associated with this conveyance.

Moved by Boesen to adopt. Council Member Gatto declares a conflict of interest and abstains from voting.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Signature of P. Kay Cmelik

City Clerk

Signature of Mayor J. M. Frank